

Application Serial No.: 09/682,787  
Response to September 21, 2005 Final Office Action

## REMARKS

Claims 1-37 are in the application. Claims 1, 3-5, 10-12, 14-17, 20, 21, 26-28, and 30-35 were previously presented; and claims 2, 6-9, 13, 18, 19, 22-25, 29, 36, and 37 remain unchanged from the original versions thereof. Claims 1, 17, and 33 are the independent claims herein.

No new matter has been added to the application as a result of the presently presented Response.

Reconsideration and further examination are respectfully requested.

Prior to a response to the specific rejections of the Office Action, Applicant notes that the claimed credit pre-approval process aspects recited in the claims are disclosed in the specification in the context of a checkout process wherein a credit pre-approval process is performed by a system. In an instance the customer is pre-approved for credit, an invitation to accept the credit is then offered or presented to the customer. There is no disclosure of the customer initiating a request or application for credit. The invitation is extended to the customer. Consequently, there is no disclosure of an acceptance and/or no denial of a request for credit or a credit application submitted by the customer. Instead, the specification clearly provides disclosure of a valid or invalid credit pre-approval determination (step 214) performed by a system implementing the disclosed methods that is transparent to the customer. Paragraphs [0011] – [0018], at least, may further be referenced regarding supporting disclosure of the claimed method(s).

The specification discloses the pre-approval offer is presented to the customer (step 216) in response to the system performing the credit worthiness pre-approval process (steps 208-214). Furthermore, the specification (paragraphs [0011] – [0016], at least) clearly supports the recited, "performing a credit worthiness check to determine a credit pre-approval of said customer, said performing is done using a result of said searching and without knowledge of and uninitiated by said customer."

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**Claim Rejections – 35 USC § 103(a)**

Claims 1-37 were rejected as being unpatentable over Lent et al., U.S. Patent No. 6,324,524 (hereinafter, lent) and in view of Walker et al., U.S. Patent No. 6,336,104 (hereinafter, Walker). This rejection is respectfully traversed.

Regarding claims 1, 17, and 33, the Office Action cites and relies upon Lent for allegedly disclosing all aspects thereof except a point of sale system. In particular, the Office Action states that Lent discloses, during the course of a single check out process at the point of sale location, performing a credit worthiness check to determine a credit pre-approval of the customer, the performing being done using a result of the searching and without knowledge of and uninitiated by the customer. In support of the rejection based on this alleged disclosure, the Office Action cites Lent at col. 13, ln. 14-63; col. 5, ln. 33-65; col. 6, ln. 4-54; col. 2, ln. 9-21; col. 7, ln. 1-15; and col. 14-32. In conclusion, the Office Action states that "the customers are unaware of the pre-approval credit card until an offer is mailed or contacted [them] via email".

Applicant respectfully submits that Lent discloses a system and method for presenting multiple custom offers to an applicant for credit over a network. (See Lent, Abstract) Lent also discloses, "FIG. 1 is a block diagram illustrating a preferred architecture 102 for a system that provides instant on-line credit card approval. As shown, an application engine 104 creates an application by prompting an applicant for data and storing the entered data. ... The application includes applicant data such as the applicant's address and social security number. Once created, the application is received by the parsing engine 106 which parses an applicant's name and address and creates appropriate software objects." (emphasis added) (See Lent col. 4, ln. 4-18) Furthermore, Lent discloses, "FIG. 3 is a flow chart illustrating the general process flow through the modules of FIG. 1. The process starts at 300. In a step 304, applicant data is obtained via html, Java or other suitable network protocol. It should be noted that in different embodiments, the information entered by the applicant may be either parsed

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first by the parsing engine or validated first by the Validator." (emphasis added) (See Lent col. 6, ln. 15-21)

Thus, it is clear that the system and method of Lent prompts a credit card applicant therein for credit card application data such as, for example, the applicant's address and social security number. Accordingly, it logically and necessarily follows that the Lent pre-approval process is in fact initiated by the customer and that the customer is aware of the credit pre-approval process since the credit card pre-approval process since the credit card applicant of Lent is prompted by the system for personal data and the credit card applicant enters the requested data to start the credit card application process.

Applicant's claim language is clear and unambiguous in stating that the performance of the credit worthiness check to determine a credit pre-approval of the customer is done without knowledge of and uninitiated by the customer. This aspect of Applicant's claims is in direct contrast to the explicit disclosure of Lent. That is, Applicant claims performance of the credit worthiness check to determine a credit pre-approval of the customer is done without knowledge of and uninitiated by the customer, whereas Lent discloses a system and method wherein a credit card applicant is prompted by the system for personal data and the credit card applicant enters the requested personal data to start the credit card application process.

Applicant also respectfully submits that The Office Action asserts that Lent discloses the claimed "selectively executing a charge purchase during said check out process at said point of sale system using said opened charge account" based on an alleged disclosure of Lent. In particular, the Office Action states that when a customer makes a balance transfer such action is a method of a purchase using the opened account. However, this statement of the Office Action is not true. A balance transfer of pre-existing credit card debt to a newly opened credit card is not a charge purchase, either at a point of sale or otherwise. Nothing is purchased by the transfer of the pre-existing credit card debt balance from a pre-

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existing credit card to the newly approved credit card. For example, a purchase at a point of sale or elsewhere would add charges to the newly opened credit account in addition to the balance transfer, not merely transfer a pre-existing balance. Again, a balance transfer is not the same as or suggestive of a purchase since nothing is "purchased" by transferring the balance of pre-existing credit debt.

Therefore, Lent does not disclose that for which it is cited and relied upon for disclosing, for at least the foregoing reasons. To the contrary, Lent appears to teach away from Applicant's claims.

Applicant reiterates that the pending claims clearly relate to a method that pre-screens a customer for a credit charge account by performing a credit worthiness check. Claim 1 clearly and unambiguously states that the check of the customer's credit worthiness is performed without the customer's knowledge and, further, that the customer does not initiate the credit check.

Applicant respectfully submits that the cited and relied upon Lent fails to disclose or suggest, alone or in combination with the cited and relied upon Walker, performing a credit worthiness check to determine a credit pre-approval of the customer without knowledge of and uninitiated by the customer, as claimed by Applicant.

Moreover, Applicant respectfully submits that combining the disclosure of Lent (not the same as claims, as clearly shown above) with the alleged disclosure of Walker (i.e., point of sale system) would not render Applicant's claims 1, 17, and 33 obvious.

Therefore, for at least the foregoing reasons, Applicant respectfully submits that the cited and relied upon Lent and Walker combination does not render claim 1 obvious under 35 USC 103(a). Independent claims 17 and 33 are, in relevant part, similar to claim 1. The reconsideration and withdrawal of the rejection of claims 1, 17, and 33 are requested.

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**Applicant respectfully submits that dependent claims 2-16, 18-32, and 34-37 are patentable for at least depending on a patentable base claim.**


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### CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

December 21, 2005  
Date

  
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